

1 Andrew L. Colocotronis (*Pro Hac Vice*)
acolocotronis@bakerdonelson.com

2 **BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ**
900 S. Gay Street, Suite 2200
3 Knoxville, Tennessee 37902
Telephone: (865) 549-7119
4 Facsimile: (865) 633-7119

5 David J. Noonan (55966)
dnoonan@knlh.com

6 **KIRBY NOONAN LANCE & HOGE LLP**
350 Tenth Avenue, Suite 1300
7 San Diego, California 92101-8700
Telephone: (619) 231-8666
8 Facsimile: (619) 231-9593

9 Attorneys for Defendant America's Collectibles Network, Inc. d/b/a Jewelry T.V.

10
11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**
13

14 MARLIESE WEED on behalf of herself and
others similarly situated, ,

15 Plaintiff,

16 vs.

17 AMERICA'S COLLECTIBLES NETWORK,
18 INC. D/B/A JEWELRY T.V. ,

19 Defendant.

CASE NO. 08-CV-0925 WQH CAB

**JOINT MOTION FOR CONTINUANCE
OF HEARING ON MOTION TO DISMISS**

(First Request)

Judge: Hon. William Q. Hayes

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22 Plaintiff Marliese Weed and Defendant America's Collectibles Network, Inc. d/b/a Jewelry
23 T.V. (together, "Parties") hereby jointly request that the hearing on Defendant's Partial Motion to
24 Dismiss Pursuant to F.R.C.P. 12(b)(6), currently set for July 21, 2008 at 11:00 in Courtroom 4 of
25 the above entitled court, be continued to August 18, 2008, or as soon thereafter as set by the Court.

26 Good causes exists for said continuance. The Parties are working towards a possible
27 resolution of this matter. Both Parties agree that it is appropriate to continue the hearing on
28 Defendant's Partial Motion to Dismiss, and, accordingly the current briefing schedule as governed

1 by Civil Local Rule 7.1.e, so that the Parties may focus their efforts on exploring settlement
2 options. This is the Parties' first request for such a continuance.

3 Therefore, the Parties hereto jointly and respectfully request that this Court order a
4 continuance of the hearing on Defendant's Partial Motion to Dismiss until August 18, 2008, or
5 soon thereafter as set by the Court.

6
7 DATED: July 3, 2008

WEXLER TORISEVA WALLACE LLP

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9
10 By: /s/ Mark Tamblyn
11 Mark Tamblyn
12 Attorneys for Plaintiff Marliese Weed, on behalf
13 of herself and all others similarly situated

14 DATED: July 3, 2008

KIRBY NOONAN LANCE & HOGE LLP

15
16 By: /s/ David J. Noonan
17 David J. Noonan
18 Attorneys for Defendant America's Collectibles
19 Network, Inc. d/b/a Jewelry T.V.
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PROOF OF SERVICE**Weed v. America's Collectibles Network, Inc. dba Jewelry Television**

United States District Court, Southern District of California

Case No. 08 CV 0925 WQH (CAB)

I, the undersigned, declare: That I am, and was at the time of service of the papers herein referred to, over the age of eighteen years, and not a party to the action; and I am employed in the County of San Diego, California. My business address is 350 Tenth Avenue, Suite 1300, San Diego, California 92101-8700.

On July 3, 2008, at San Diego, California, I served the following document(s) described as

**JOINT MOTION FOR CONTINUANCE OF HEARING ON MOTION TO
DISMISS; AND**

**[PROPOSED] ORDER GRANTING JOINT MOTION FOR CONTINUANCE OF
HEARING ON MOTION TO DISMISS**

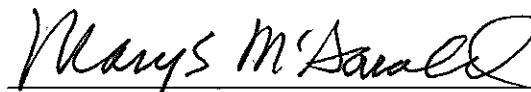
on the parties in said action by placing a true copy thereof in a separate sealed envelope for each addressee named hereafter, addressed to each such addressee respectively as stated on the attached service list, which reflects the address last given by each such addressee on any document filed in the action and served on this office.

SEE ATTACHED LIST

☒ **BY MAIL:** I am readily familiar with our business practice for collecting, processing and mailing correspondence and pleadings with the United States Postal Service. Such correspondence and pleadings are deposited with the United States Postal Service on the same day that they are placed for mailing in the ordinary course of business. I sealed each envelope and, with the postage thereon fully prepaid, placed it for mailing in accord with our business' practice. (C.C.P. § 1013(a) and (b))

☒ **ELECTRONIC TRANSMISSION:** I filed the foregoing document with the Clerk of Court for the United States District Court, Southern District of California, using the Electronic Case Filing ("ECF") system of the Court. The attorney listed above has consented to receive service by electronic means and is registered with the Court's ECF system and was served a "Notice of Electronic Filing" sent by ECF system.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 3, 2008, at San Diego, California.


Mary S. McDonald

SERVICE LIST
Weed v. America's Collectibles Network, Inc.
Case No. 08-CV-0925 WQH CAB

Mark J. Tamblyn Attorneys for Plaintiff

email: mjt@wtwlaw.com

WEXLER TORISEVA WALLACE LLP

1610 Arden Way, Suite 290

Sacramento, California 95815

Telephone: (916) 568-1100

Facsimile: (916) 568-7890

Gregory F. Coleman Attorneys for Plaintiff

COLEMAN & EDWARDS, P.C.

4800 Old Kingston Pike, Suite 120

Knoxville, Tennessee 37919

Telephone: (865) 247-0080

Facsimile: (865) 247-0081

Kenneth A. Wexler Attorneys for Plaintiff

Edward A. Wallace

Amber M. Nesbitt

WEXLER TORISEVA WALLACE LLP

55 W. Monroe Street, Suite 3300

Chicago, IL 60603

Telephone: (312) 346-2222

Facsimile: (312) 346-0022